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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

JOSHUA SIMON, DAVID BARBER, AND
 JOSUE BONILLA, individually and on behalf of
 all others similarly situated, DIANA BLOCK, an
 individual, and COMMUNITY RESOURCE
 INITIATIVE, an organization,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO,
 PAUL MIYAMOTO, IN HIS OFFICIAL
 CAPACITY AS SAN FRANCISCO SHERIFF,

Defendants.

CASE NO.: 4:22-cv-05541-JST

(San Francisco County Superior Court,
 Case No.: CGC-22-601686)

**DECLARATION OF SUJUNG KIM
 IN SUPPORT OF PLAINTIFFS'
 OPPOSITION TO DEFENDANTS'
 MOTION TO MODIFY OR STAY IN
 PART PRELIMINARY
 INJUNCTION**

Honorable Jon S. Tigar
 Courtroom 6, 2nd Floor
 Hearing Date: March 21, 2024
 Trial Date: Not set

I, Sujung Kim, declare:

1. I am an attorney licensed to practice in the State of California and am employed as a deputy public defender at the San Francisco Public Defender's Office. I have

1 worked in this office since 1997. I have personal knowledge of the facts set forth in
2 this Declaration and, if called upon, could testify to those facts.

- 3 2. If a San Francisco Superior Court judge releases a defendant on pretrial electronic
4 monitoring and subsequently needs to modify the conditions of release, the court
5 can add the case for a future date and order the defendant to appear in court through
6 counsel.
- 7 3. The San Francisco Sheriff, who run the pretrial EM program, can similarly request
8 that the court add to calendar the case of an EM participant to modify conditions of
9 release.
- 10 4. The Sheriff's practice has been to seek an arrest warrant by submitting an affidavit
11 to the Superior Court when a pretrial EM participant has allegedly violated the EM
12 rules, court order or other law, but, in my experience, I have never known the
13 Sheriff to seek an arrest warrant for an EM participant merely to modify an EM
14 condition when there has not been an alleged violation of the EM rules, court order
15 or other law.

16 I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st
17 day of February, 2024, at San Francisco, California.

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20 /s/ Sujung Kim
21 Sujung Kim
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